

Exhibit 60

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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ERIN ALLEN, TYOKA BRUMFIELD,
OFELIA FRECHETTE, SHELLEY
HARDER, DEANA MARR, TAMMIE
SHAWLEY, BRIAN SMITH, and
BETTY VASQUEZ, on behalf of
herself and all others
similarly situated,

Plaintiffs,

vs

No. 3:13-cv-01279-WHO

CONAGRA FOODS INC. a Delaware
corporation,

Defendants.

ORAL AND VIDEOTAPED DEPOSITION OF

KEITH UGONE, Ph.D.

TUESDAY, MAY 14, 2019

CERTIFIED COPY

REPORTED BY: AUDRA B. PATY, CSR #5987

NOGARA REPORTING SERVICE
5 Third Street, Suite 415
San Francisco, California 94103
(415) 398-1889

1 ORAL AND VIDEOTAPED DEPOSITION of KEITH
2 UGONE, Ph.D., produced as a witness at the instance of
3 the Plaintiffs, and duly sworn, was taken in the
4 above-styled and numbered cause on the 14th of May,
5 2019, from 9:21 a.m. to 4:58 p.m., before Audra B.
6 Paty, CSR in and for the State of Texas, reported by
7 machine shorthand, at the offices of Alston & Bird,
8 LLP, 2200 Ross Avenue, Suite 2300, in the City of
9 Dallas, County of Dallas, State of Texas, pursuant to
10 Notice and the Federal Rules of Civil Procedure.

1 the market so there is no forces or pressures to move 10:31:15
2 that price so you're at an equilibrium, and that's the 10:31:19
3 market price. 10:31:25

4 Q. Right. Okay. So I think we're kind of 10:31:27
5 saying the same thing, but maybe my question wasn't 10:31:28
6 very good. But the market price, that intersection of 10:31:31
7 the supply curve and the demand curve, incorporates 10:31:34
8 all those supply side factors that you talked about in 10:31:37
9 your prior answer and it incorporates all of those 10:31:40
10 demand side factors that you talked about in your 10:31:43
11 prior answer? 10:31:46

12 A. Yes, as long as what you're saying isn't 10:31:48
13 misused in another sense, but I will agree with you 10:31:52
14 that when you get that price that takes into account 10:31:57
15 taste and preferences, price of substitute goods, 10:32:00
16 price of complementary goods, income on the demand 10:32:05
17 side takes into account technology or the underlying 10:32:09
18 firm's production function, price of labor, price of 10:32:13
19 capital. That's all on the input side. All of those 10:32:18
20 together help determine equilibrium market price. I 10:32:20
21 will agree in the context we are in, if you ever try 10:32:27
22 to take what I just said and do something else with 10:32:30
23 it, I would then need to evaluate that something else, 10:32:31
24 but I stand by everything I have said up to this 10:32:33
25 point. 10:32:38

1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3 I, Audra B. Paty, Certified Shorthand
4 Reporter, in and for the State of Texas, certify that
5 the foregoing deposition of KEITH UGONE, Ph.D. was
6 reported stenographically by me at the time and place
7 indicated, said witness having been placed under oath
8 by me; that review was requested pursuant to Federal
9 Rule of Civil Procedure 30(e)(1); and that the
10 deposition is a true record of the testimony given by
11 the witness.

12 I further certify that I am neither counsel
13 for nor related to any party in this cause and am not
14 financially interested in its outcome.

15 Given under my hand on this the 16th day of
16 May, 2019.

17 

18 Audra B. Paty, Certified
19 Shorthand Reporter No. 5987
My commission expires 12-31-19

20 Time used by each party:
21 Ms. Uri Idstrom - 5:39
22 Mr. Andrew G. Phillips - 0:00
23
24
25

1 KEITH R. UGONE, Ph.D.
c/o Andrew G. Phillips, Esq.
2 ALSTON & BIRD, LLP
One Atlantic Center
3 1201 West Peachtree Street
Atlanta, Georgia 30309-3424
4

Date: May 16, 2019
5 Re: Allen v. Conagra
Deposition Date: May 14, 2019
6

7 Dear Dr. Ugone:

8 Please be advised that the original transcript of your
deposition is ready for your review.

9 Pursuant to CCP Federal Rule 30(e) you have 30 days
following the date of this notice to read, correct and
10 sign your transcript unless the attending parties and
the deponent agree on the record or otherwise in writing
11 to a longer or shorter time period. The deponent may
change the form or the substance of the answer to a
12 question, and may either approve the transcript of the
deposition by signing it, or refuse to approve the
13 transcript by not signing it. You are not required by
law to read and sign your deposition transcript. All
14 parties will be informed of the corrections. The
original transcript will then be sealed and sent to the
15 examining attorney pursuant to the applicable law.

16 You may either come to our office to read and sign the
original transcript, or you may contact your attorney or
17 the attorney who arranged for you to be present at your
deposition. If they have ordered a copy of the
18 transcript, you may review their copy and make
corrections by submitting, signing and returning the
19 attached form. If you choose to review your transcript
at our office, please call first to make an appointment.
20 Should you have any question regarding these
instructions, please call.

21 Sincerely,

22 NOGARA REPORTING SERVICE
23 5 Third Street, Suite 415
San Francisco, CA 94103
24 (415)-398-1889

25 cc: All counsel; original deposition